

## ***FISH & WILDLIFE COMMISSION AGENDA ITEM COVER SHEET***

**Meeting Date:** August 7, 2014

**Agenda Item:** Property Exchange between FWP and MDT on Mount Haggin WMA

**Division:** Wildlife

**Action Needed:** Final Action

**Time Needed on Agenda for this Presentation:** 5 minutes

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### **Background**

FWP proposes to exchange approximately 36 acres of the Mount Haggin WMA along Secondary Route 569 (S-569) to Montana Department of Transportation in return for approximately 20 acres of the existing right-of-way of the S-569 that will be abandoned by MDT. As part of this exchange, MDT would pay FWP \$12,500 for the remaining value of the exchanged FWP property.

The highway design relocates the roadway upslope, out of the French Creek floodplain and associated wetland areas, which will benefit those habitats. The abandoned roadway will be removed and associated wetlands restored. Overall, MDT's project would reconstruct approximately 3.7 miles of roadway. The roadway would be offset approximately 30 feet from the present traveled way for the first mile, shifting to a new alignment for 2.7 miles, and then returning to existing alignment for the remaining 0.7 miles. This realignment and associated land exchange is necessary for MDT to correct substandard elements of the roadway. S-569 was constructed in 1941 and with the exception of routine maintenance and a seal and cover project, has not been reconstructed since.

Mount Haggin WMA was purchased through the Land and Water Conservation Fund and therefore the WMA retains LWCF encumbrances administered by the National Park Service. This proposed exchange is also subject to NPS approval.

### **Public Involvement Process & Results**

An Environmental Assessment was completed for the proposed project by FWP and released for public comment on June 27. Public comments were taken through July 11. Legal notices were printed in the *Montana Standard* (Butte) and the *Anaconda Leader*. The EA was also posted on the FWP webpage. One party submitted a comment and was in support of the proposal.

**Alternatives and Analysis:** Two alternatives were considered: 1) do not complete the property exchange; and 2) complete the property exchange. If the exchange did not occur, MDT could use its condemnation authority to assume ownership of the property. In this case, FWP's only option would be to receive monetary compensation for the needed right-of-way instead of replacement land, and MDT would retain ownership of the abandoned roadway. Because of the benefits of receiving replacement land, removing the highway from the riparian area, and monetary compensation for the difference, the alternative to exchange the land is preferred.

### **Agency Recommendation & Rationale**

FWP recommends the Commission approve this land exchange, as described, which is also contingent on National Park Service approval.

### **Proposed Motion**

I move that the Commission recommend final approval for the FWP-MDT land exchange on Mount Haggin WMA, contingent on National Park Service approval.